

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

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OMB

Office of Legislative Counsel

28 March 1978

Mr. Robert Carlstrom
Legislative Reference Division
Office of Management and Budget
Washington, D.C. 20503

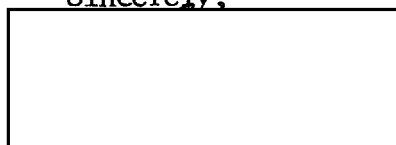
Dear Bob:

Attached as you requested is a copy of the memorandum we sent to Mr. James Robinson at the Department of Justice on 20 December 1977, relating to our proposed legislation on the use of firearms. We are glad to assist in getting this proposal to the Congress; we appreciate your help thus far and any further assistance you can provide. What is the precise schedule for further actions?

Also attached, as I mentioned over the telephone, is a copy of the letter from Mr. John Blake to Representative Burlison on the Freedom of Information Act. As you can see, the last page has been changed so that our proposals are couched in terms of questions rather than specific suggestions.

Thanks for your help.

Sincerely,



Assistant Legislative Counsel

Enclosure

WASHINGTON, D. C. 20505

Office of Legislative Counsel

MEMORANDUM FOR: James R. Robinson
General Crimes Division
Department of Justice

FROM:
Assistant Legislative Counsel

SUBJECT: Legislative Proposal on Agency Use of Firearms

1. Based on our earlier conversations concerning the language of the transmittal letters for our legislative proposal on firearms authority for CIA personnel, we are proposing that the following paragraph be inserted in lieu of paragraph three of the letters to OMB, Honorable Walter Mondale and Honorable Thomas O'Neil, which your office has received for coordination from OMB:

Section 5(d) of the Central Intelligence Agency Act of 1949, as amended, provides only that Agency "couriers and guards" are authorized to carry firearms "when engaged in transportation of confidential documents and materials." There are other circumstances where it is necessary for Agency personnel to carry firearms if intelligence facilities, personnel and information are to be adequately protected. For example, the Agency operates a number for training purposes.

Without the security provided through the use of armed guards these facilities would be particularly vulnerable to penetration. Use of armed guards in such a situation is nowhere specifically prohibited by statute; nor does the legislative history on the proviso, "That the Agency shall have no police, subpoena, law enforcement powers or internal security functions ..." in section 102(d)(3) of the National Security Act of 1947, as amended (50 U.S.C.A. 403(d)(3)), militate against the Agency's utilization of armed guards at CIA covert installations. However, there is no explicit authorization for the Agency to protect its facilities, personnel and information by arming its security personnel with firearms. Therefore, we believe legislative clarification of the Agency's authority in this area is necessary to resolve issues relating to the scope of authority of Agency personnel who may be forced to use firearms, and thereby risk exposure to possible civil and/or criminal liability.

2. I believe this language more fully explains the existing situation in which this Agency finds itself and sets forth in more appropriate detail the reasons why clarification of this authority is needed. Please review this language and let me know if you have any suggestions or further comments. Thank you for your help.

STA